

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**August 23, 2004**

DIVISION FOUR

Court convened at 9:00 A.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B167962 People v. Herod  
B170147 People v. Freddy M.  
B166932 People v. Rivas  
B168675 Kinney v. Occidental Oil et al.  
B175632 Michelle S. v. SCLA (DCFS)

Argument waived, cause submitted.

B168337     Smith  
              v.  
              Afflack

Merits:  
Argued by Phillip M. Smith Jr. appellant in propria persona and by  
Lorraine Anderson for respondent. Cause submitted.

B169851     Goldsmith  
              v.  
              Athans

Merits:  
Argued by Jack D. Hull for appellant and by Robert S. Gerstein for  
respondent. Cause submitted.

DIVISION FOUR (Continued)

B166209 Burns International Security Services Corp.  
v.  
County of Los Angeles et al.

Merits:  
Argued by William J. Tebbe for appellant and by Jerry M. Custis for respondents. Cause submitted.

B161797 Regents of The University of California  
v.  
Sheily

Merits:  
Argued by Philip L. Nadler for appellant and by David W. Skinner for respondents. Cause submitted.

Court recessed.

Court reconvened at 1:30 P.M.

Present: Epstein, Acting P.J., Hastings, J., Curry, J. and S. Veverka, Deputy Clerk.

Each of the following:

B172055 DCFS v. Hortencia B. et al.  
B167755 Selonna, Inc. v. Rothstein et al.

Argument waived, cause submitted.

B169026 Pamanian  
v.  
Pamanian

Merits:  
Argued by Francis E. Smith for appellant and there being no appearance for respondent. Cause submitted.

DIVISION FOUR (Continued)

B139381     People  
              v.  
              Perez

Merits:  
Argued by Kenneth F. Weston for appellant and by David E. Madeo for respondent. Cause submitted.

B164237     People v. Aguilar  
B174532     In re Aguilar on Habeas Corpus

Merits:  
Argued by Neil Rosenbaum for appellant and by Michael Katz for respondent. Cause submitted.

B166089     21st Century Insurance Co.  
              v.  
              Rudkin

Merits:  
Argued by Davis H. Loomis for appellant and by Marla Martinez for respondent. Cause submitted.

B168848     Aguilar  
              v.  
              Lumenis

Merits:  
Argued by George E. Preonas for appellant and by Henry J. Josefsberg for respondent. Cause submitted.

Court adjourned.

August 23, 2004 (Continued)

DIVISION SIX

B171447 Owens (Not for Publication)  
v.  
Moorefield Construction, Inc.

The judgment is affirmed. Costs to respondent.

Yegan, J.

We concur: Gilbert, P.J.  
Coffee, J.

B166991      San Luis Obispo Dept. of Social Services      (Not for Publication)  
v.  
Kristine B.

The judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

B172474 People (Not for Publication)  
v.  
Alvarado

The judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

DIVISION SIX (Continued)

B171835 Robinson (Not for Publication)  
v.  
City of Carpinteria

The judgment is affirmed. Costs are awarded to respondent.

Coffee, J.

We concur: Gilbert, P.J.  
Perren, J.

B172668 In re MARIYA S., a Person Coming Under  
The Juvenile Court Law Child Protective Services  
v.  
Bradley S.,

The appeal is dismissed as moot.

DIVISION SEVEN

B173571 In re Megan M., a Minor (Not for Publication)  
Los Angeles County, D.C.S.  
v.  
Dawn J.

The judgment is affirmed.

Woods, J.

We concur: Perluss, P.J.  
Johnson, J.

DIVISION SEVEN (Continued)

B172839      In re Christopher I., et al., Minors      (Not for Publication)  
Los Angeles County, D.C.S.  
v.  
Chuck I.

The orders are affirmed.

Woods, J.

We concur:    Perluss, P.J.  
                      Zelon, J.

B172762      In re Darrell T., a Minor      (Not for Publication)  
Los Angeles County, D.C.S.  
v.  
Ernestine T.

The detention and disposition orders and the order terminating parental rights are reversed and the matter is remanded to the juvenile court with directions that within 10 days of the remittitur, pursuant to the ICWA and rule 1439, the Department provide the appropriate Cheyenne tribe or tribes and the BIA with proper notice, which should include the mother's and maternal grandmother's maiden names and other pertinent information, of the pending proceedings and that the Department file proof of the receipt of such notice by the tribes, along with a copy of the notices and any responses, with the juvenile court.

If, after notice is properly given, no tribe responds indicating Darrell is an Indian child within the meaning of the ICWA, the court shall reinstate the detention, disposition and termination of parental rights orders. If a tribe determines Darrell is an Indian child, the juvenile court shall conduct the detention and disposition hearings applying the provisions of the ICWA, section 360.6 and rule 1439.

Woods, J.

We concur:    Perluss, P.J.  
                      Zelon, J.

## DIVISION SEVEN (Continued)

[illegible]

The juvenile court's minute order of October 22, 2003 is corrected to conform to its oral pronouncement of probation condition 15 by providing that Erick R. is not to associate with anyone known to him to be disapproved of by his mother or his probation officer. As modified the order is affirmed.

Perluss, P.J.

We concur:   Johnson, J.  
                      Woods, J.

## DIVISION EIGHT

B169563      John B.      (Certified for Publication)  
v.  
Superior Court, Los Angeles County  
(Bridget B., r.p.i.)

The petition for writ of mandate is granted as to (a) special interrogatories 1, 4, 8, and 9 of Motion #102; (b) requests for admission 8 and 9 of Motion #103; and (c) Motion #101 (deposition questions). As to the deposition questions, on remand the respondent court is directed to determine, consistent with the views expressed herein, which questions require a further response. Before doing so, the court should require Bridget to identify with specificity the questions for which she seeks further responses. The court's order approving the referee's report with respect to Motion #101(deposition questions) is vacated. To the extent the petition has not been specifically granted, the petition is denied. The case is remanded for further proceedings consistent with this opinion. The temporary stay order of August 28, 2003, is vacated. The parties shall bear their own costs in this writ proceeding. (Cal. Rules of Court, rule 56.4.)

Flier, J.

We concur: Rubin, Acting P.J.  
Boland, J.

August 23, 2004 (Continued)

## DIVISION EIGHT (Continued)

B167209      People                          (Not for Publication)  
v.  
Gunn

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.  
Rubin, J.

B168229 City of Malibu (Certified for Publication)  
v.  
California Coastal Commission,  
Taxpayers For Livable Communities et al.

The orders are affirmed. Each side to bear its own costs on appeal.

Rubin, Acting P.J.

We concur: Boland, J.  
Flier, J.

B168802      People  
v.  
Saul Cervantes

Filed order vacating submission order of July 28, 2004. Additional briefing requested.

B166838      People  
v.  
Edwin Rivera

Filed order vacating submission order of June 30, 2004. Additional briefing requested.